



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

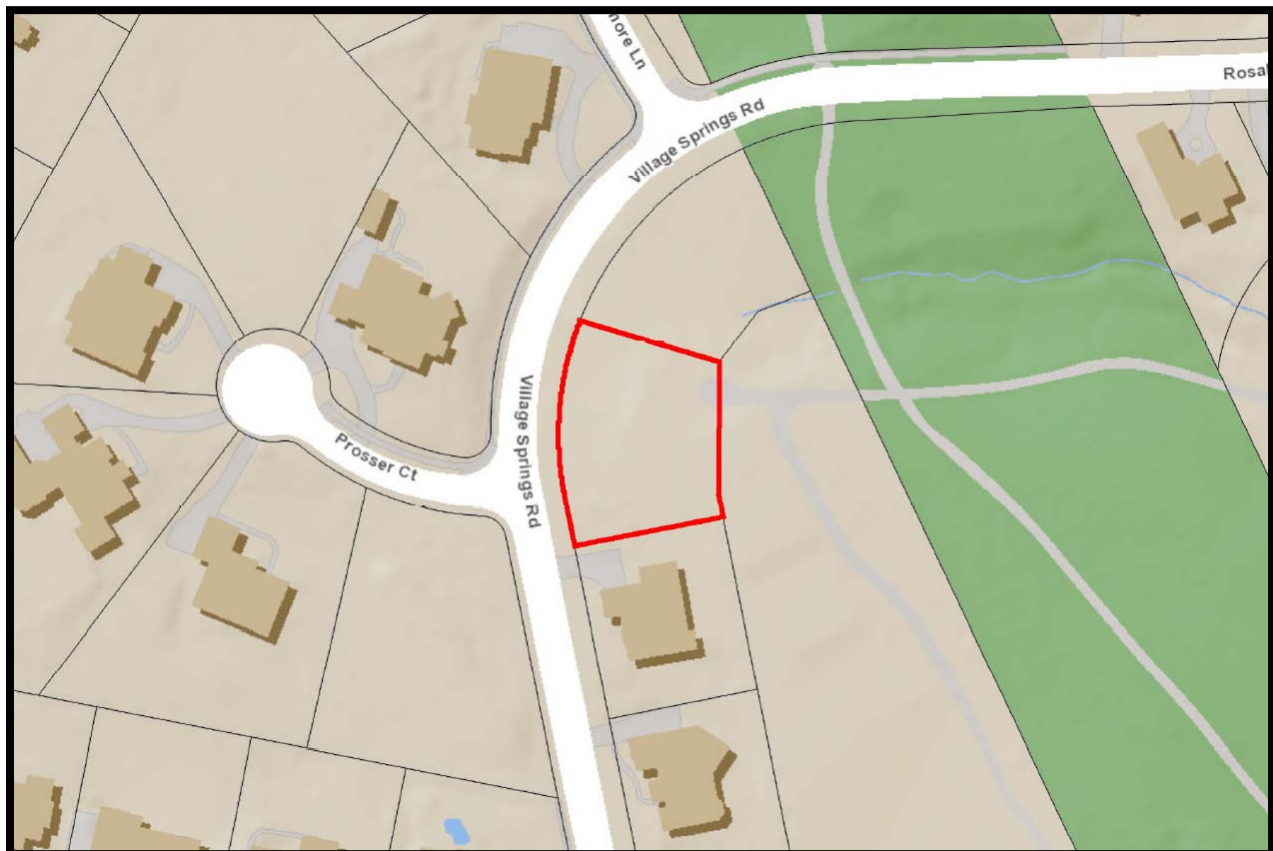
Case File: A-131-16

Property Address: 12616 Village Springs Road

Property Owner: Kenneth and Martha Heaton

Project Contact: Kenny Heaton

Nature of Case: A request for a variance from all of the forestation requirements set forth in Section 9.1.9.A. of the Unified Development Ordinance to allow for the construction of a detached house on a .42 acre property zoned Residential-6 Conditional Use District and Urban Watershed Protection Overlay District located at 12616 Village Springs Road.

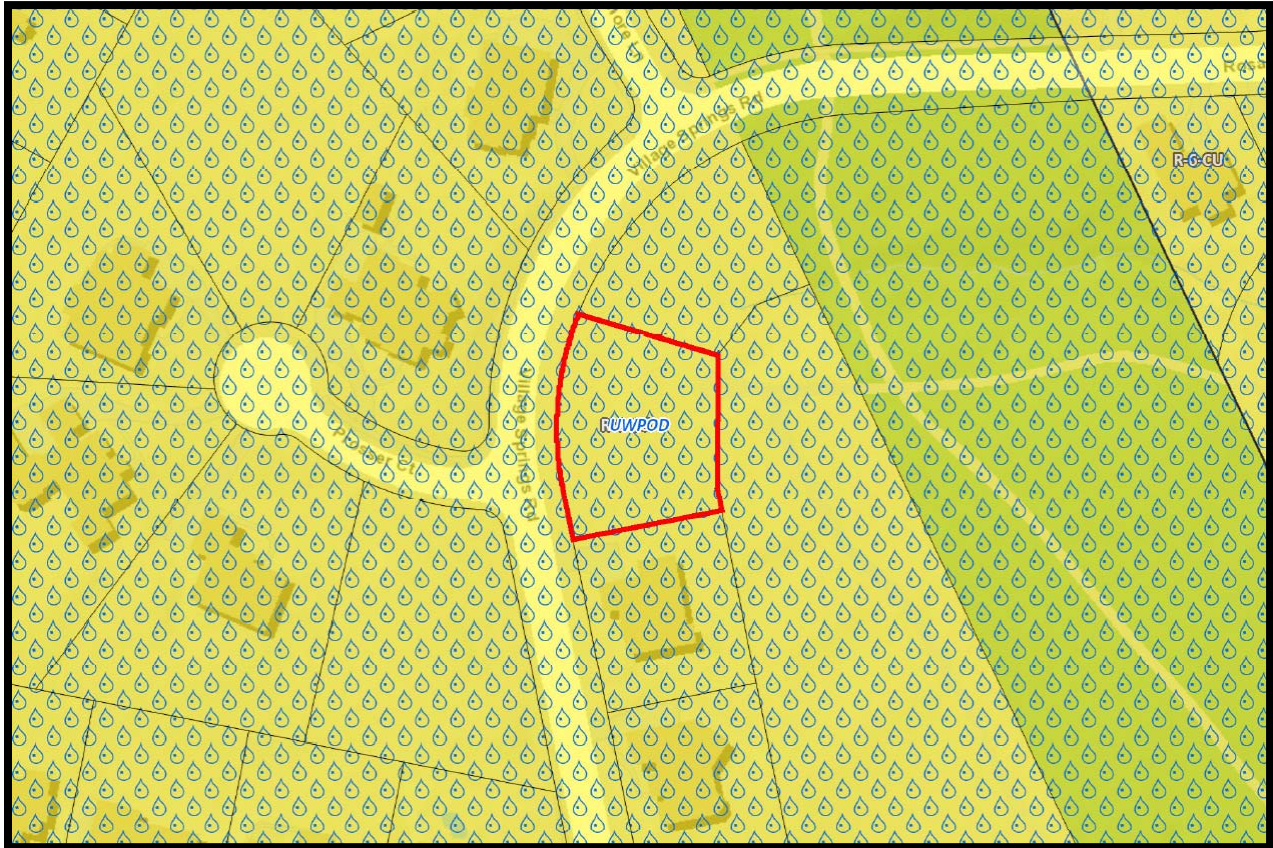


12612 Village Springs Road – Location Map

To BOA: 12-12-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Residential-6 Conditional Use District and Urban Watershed Protection Overlay District



12612 Village Springs Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

To Legalize the Existing Structure:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. **The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**
3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
4. **The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

Sec. 9.1.9 Watershed Protection Overlay Districts

A. Except as otherwise provided below, every lot located within a -UWPOD, -FWPOD or -SWPOD must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following:

1. Tree areas may be 1 contiguous area or scattered areas throughout the lot, but no required tree area may be less than 1/5 of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be maintained as wooded areas;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of 2 inches of tree caliper per every 100 square feet and within such areas, active tree preservation shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper tree planted per 200 square feet.

B. After wooded areas have been determined and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowner shall record with the local County Register of Deeds a plat with metes and bounds descriptions of all wooded areas.

C. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of Sec. 9.1.9.A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

D. For lots located within a conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that the overall acreage set aside for trees is not diminished.

E. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.

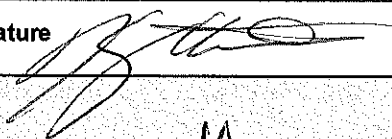
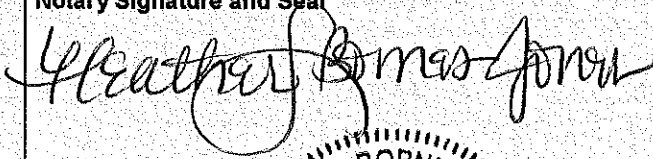
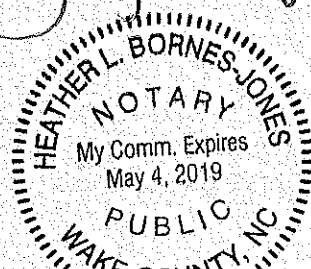
Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): Complete relief from the 40% forestation requirements set forth in the UPWPOD to allow for the construction of a single family home	Transaction Number A-131-16
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 12616 Village Springs Rd. Raleigh, NC 27614	Date 11/1/2016	
Property PIN 1830034786	Current Zoning CUD R-6	
Nearest Intersection Village Springs Rd and Drommore Ln	Property size (in acres) .42	
Property Owner Kenneth Wesley Heaton and Martha Conner Heaton	Phone 252-326-1396	Fax 252-535-1210
Owner's Mailing Address 12521 Ribbongrass Ct. Raleigh, NC 27614	Email kheaton@heatonconstruction.com	
Project Contact Person Kenny Heaton	Phone 252-326-1396	Fax 252-535-1210
Contact Person's Mailing Address 12521 Ribbongrass Ct. Raleigh, NC 27614	Email kheaton@heatonconstruction.com	
Property Owner Signature 	Email	
Notary Sworn and subscribed before me this 10 day of November, 2016 my Commission Expires May 4, 2019 Wake Co, NC	Notary Signature and Seal  	

Application for Variance




RALEIGH
DEPARTMENT OF
CITY PLANNING



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Project Contact Person Kenny Heaton	Phone 252-326-1396	Fax 252-535-1210
Contact Person's Mailing Address 12521 Ribbongrass Ct. Raleigh, NC 27614	Email kheaton@heatonconstruction.com	
Property Owner Signature <i>Martha Heaton</i>	Email kheaton@nc.rr.com	
Notary Sworn and subscribed before me this <u>10th</u> day of <u>November</u> , 20 <u>16</u> State of North Carolina County of Wake	Notary Signature and Seal <i>Patricia B. Hudson</i> (Patricia B. Hudson) Commission Expires 8/2/20 	

PLAN INFORMATION BLOCK		
FOOTPRINT	TOTAL S.F.	STORIES
CRVL	DAYMENT	PACADE
SLAB	FRONT YCHTIGHER SURFACE AREA	

NOTE: ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF RALEIGH AND NCDOT STANDARDS AND SPECIFICATIONS

IMPERVIOUS SURFACE TABLE	
HOUSE	4,681 S.F.
DRIVEWAY	2,282 S.F.
SIDEWALKS	288 S.F.
SCREEN PORCH	471 S.F.
TOTAL IMPERVIOUS AREA	7,722 S.F.
TOTAL LOT AREA	18,169 S.F.
PERCENTAGE OF IMPERVIOUS AREA	42.39%

PRELIMINARY PLOT PLAN FOR KENNETH WESLEY HEATON & MARTHA CONNER HEATON

LOT 8, WAKEFIELD PLANTATION

FAIRVIEW PHASE II

12616 VILLAGE SPRINGS ROAD

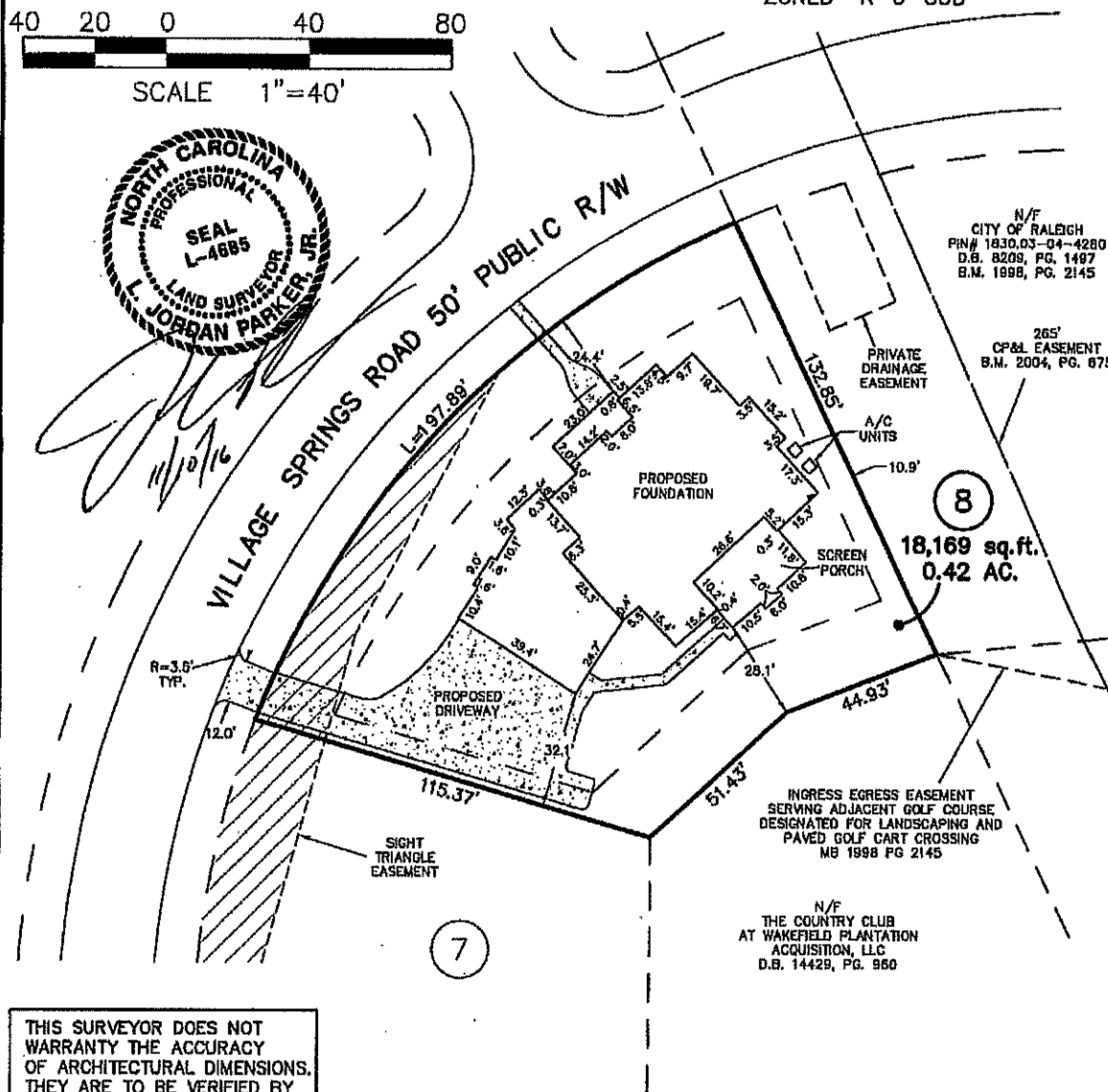
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CITY OF RALEIGH

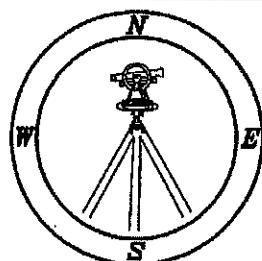
WAKE COUNTY, NORTH CAROLINA

NOVEMBER 9, 2016

ZONED R-6-CUD



THIS SURVEYOR DOES NOT WARRANTY THE ACCURACY OF ARCHITECTURAL DIMENSIONS. THEY ARE TO BE VERIFIED BY THE CONTRACTOR.



**CAWTHORNE, MOSS
& PANCIERA, P.C.**

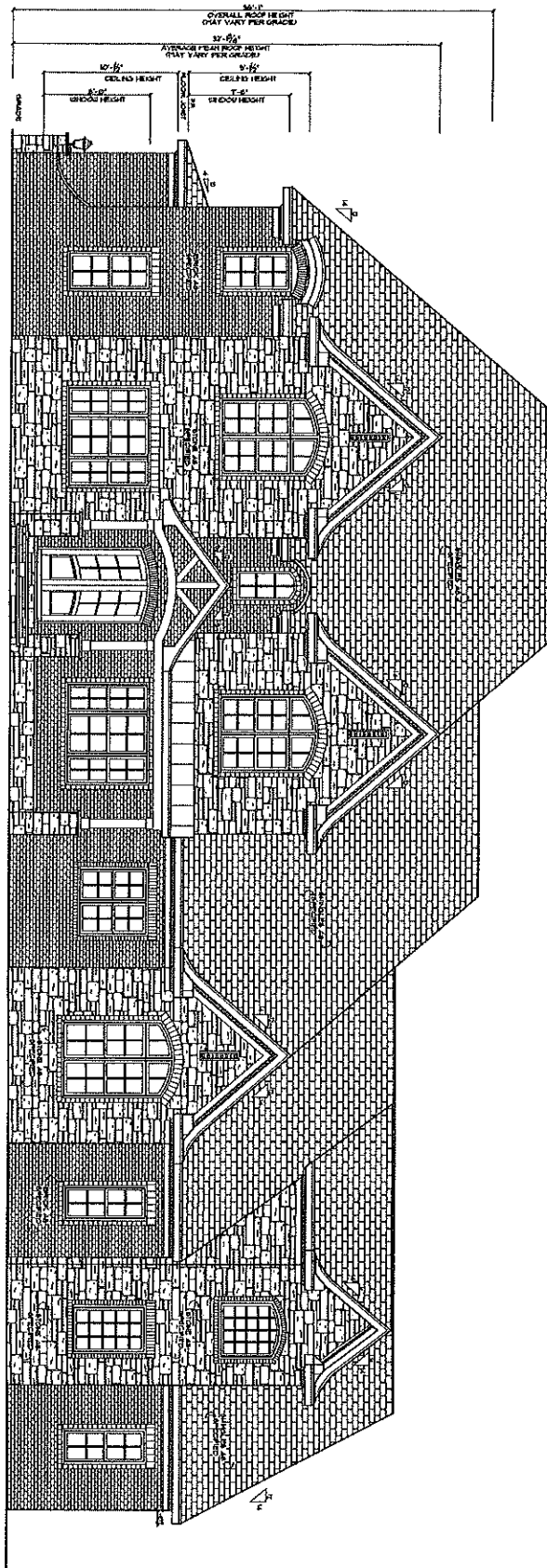
Professional Land Surveyors
C-1525

333 S. White Street
Post Office Box 1253
Wake Forest, N.C. 27588
(919)556-3148

NOTES:

-THIS PLAN DOES NOT REFLECT AN ACTUAL SURVEY. IT IS A PRELIMINARY PLAN AND SHOULD BE USED FOR ITS INTENDED PURPOSE ONLY.
-NOT FOR RECORDATION, CONVEYANCES, OR SALES.

FRONT ELEVATION - 1/4"



HEATON CONSTRUCTION
LOT 8



www.frazierhomedesign.com
FRAZIER HOME DESIGN, LLC.

900 RIDGEFIELD DRIVE, SUITE 170
RALEIGH, NC 27615
O: (919)-424-7245

BASEMENT

SHEET NO.

A3

DATE: 10/20/18
DRAWN BY: N/A
REVISION DATE: